IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.25622 of 2008
SANTOSH BHARTI
Versus
STATE OF BIHAR
---

2 18.7.2008. Heard counsel for the petitioner and the State.

Petitioner was posted as Commercial clerk at Bihpur Railway Station. Allegation is that the Station Superintendent as well as other commercial clerk conspired with each other and have shown fake dispatch consignment although it was never dispatched to enable the claimant for claiming compensation from the railway and thus caused loss to the railway. It has been submitted by the counsel for the petitioner that there is no document to show that any such consignment was dispatched on the date of occurrence and so far the alleged consignment dated 13.12.2007 is concerned it was cancelled on 15.12.2007 itself finding it not in proper condition i.e much after institution of the F.I.R. as such no loss has been caused to the railway.

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Considering the aforesaid fact prayer for anticipatory bail is allowed. The petitioner namely Santosh Bharti is directed to surrender before the Judicial Magistrate, Railways, Khagariya within four weeks from today and on his so surrendering he shall be enlarged on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, Railway, Khagariya in connection with Bihpur (Naugachhiya) Rail P.S.Case no.36 of 2007 subject to the condition as laid down under Section 438(2) Cr.P.C.

However, it is made clear that if the petitioner subsequently

in any such crime then the prosecution will have liberty to move for cancellation of his bail.

(Mridula Mishra, J)

Sss/-

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